No. 1042 (22)

Office - Supreme Court,
FILED
MAY 22 1943
CHARLES ELMORE CROPLEY
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1942

ALFRED S. DAVIS, as Treasurer of RETAIL SHOE SALESMEN'S UNION, LOCAL 1115-F, R.C.I.P.A., affiliated with the American Federation of Labor, and "JOHN DOE" and "RICHARD ROE", members of RETAIL SHOE SALESMEN'S UNION, LOCAL 1115-F, R.C.I.P.A., pickets in front of plaintiff's store, true names of said persons being unknown,

Petitioners,

against

DINNY & ROBBINS, INC.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF NEW YORK, AND BRIEF IN SUPPORT THEREOF

SIMON J. LIEBOWITZ,
Attorney for Petitioners,
270 Broadway,
New York City.

On the Brief,

SIMON J. LIEBOWITZ
and
LEON REICH.

Dated, New York, May 20, 1943.

APPEAL PRINTING CO., INC., 129 CEDAR ST., NEW YORK, WO 2-3242

INDEX

	PAGE
PETITION	1
I. Summary Statement of Issues Involved	2
A. The Facts Out of Which the Action Arose	2
B. The Nature of the Action	4
II. Jurisdiction of This Court	10
The Judgment Here in Question Is a Final Judgment Rendered After Trial of the Action, Absolutely and Permanently Enjoining the Peaceful and Orderly Labor Activities of the Petitioner Union	10
III. Questions Presented	11
IV. Reasons for Allowance of Writ	12
National Importance of the Issues in Question	14
BRIEF	19
I. Opinions of Courts Below	19
II. Jurisdiction	20
Date of Entry of Judgment to Be Reviewed	20
III. Statement of the Case	20
IV. Specification of Errors to Be Urged	20
V. Summary of Argument	21
(A) The Injunction Issued by the State Court Violated the Constitutional Guarantee of Freedom of Speech and Assembly	21

PAGE

(B) There Was No Local Question Involved Which Furnished the Basis for Deciding This Case Without Reference to the Federal Question 21

VI. Argument 21

(A.) The Injunction Issued by the State Court Violated the Constitutional Guarantee of Freedom of Speech and Assembly 22

1. The activities in question consisted solely of peaceful and orderly dissemination of opinion of the petitioner union 22

2. The Constitutional Guarantee Here Invoked 24

3. The Decision of the New York State Court of Appeals Is Inconsistent with the Decisions of This Court 25

4. The Judgment of the State Court Inaugurates Judicial Censorship of Speech in Labor Controversies 29

(B.) There Was No Local Question Involved Which Furnishes a Basis for Deciding This Case Without Reference to the Federal Question 30

Conclusion 31

Table of Cases Cited

PAGE

A. F. of L. *v.* Swing, 312 U. S. 321 ..... 13, 14, 26, 28
Angelos *v.* Mesevich, 289 N. Y. 498 7–8

Bakery and Pastry Drivers Union *v.* Wohl, 315 U. S. 769 ..... 10, 13, 27

Cantwell *v.* Connecticut, 310 U. S. 296 27
Carlson *v.* California, 310 U. S. 106 ..... 13, 27

Edjomac *v.* Empire, 273 N. Y. 647 15

Interborough R. T. Co. *v.* Lavin, 247 N. Y. 65 9

J. H. & S. Theatres, Inc. *v.* Fay, 260 N. Y. 315 9
Journeymen Tailors Union Local # 195 *v.* Miller's, Inc., 61 S. Ct. 732 ..... 13, 25, 28

Largent *v.* State of Texas (559—October Term, 1942) 14, 27

Milkwagon Drivers Union *v.* Meadowmoor, 312 U. S. 287 27

Nann *v.* Raimist, 255 N. Y. 307, 319 10

Schneider *v.* State, 308 U. S. 147 ..... 13, 27
Senn *v.* Tile Layers Union, 301 U. S. 468 13
Stillwell Theatre, Inc. *v.* Kaplan, 259 N. Y. 405 9

Thornhill *v.* Alabama, 310 U. S. 88 ..... 13, 14, 26, 27

United States *v.* Building and Construction Trades Council of New Orleans, Louisiana, 61 S. Ct. 839 13
United States *v.* Hutcheson, 312 U. S. 219, 61 S. Ct. 463 ..... 12, 25, 28
United States *v.* The United Brotherhood of Carpenters and Joiners of America, 61 S. Ct. 839 13

Statutes Cited

Civil Practice Act of the State of New York, Section 876-A 7, 13

U. S. Constitution, Amendment XIV, Section 1 12

U. S. Judicial Code:
Section 237-b (28 U.S.C.; Section 344-b) 11, 20
Section 243 (28 U.S.C.; Section 350) 20

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1942

ALFRED S. DAVIS, as Treasurer of RETAIL SHOE SALESMEN'S UNION, LOCAL 1115-F, R.C.I.P.A., affiliated with the American Federation of Labor, and "JOHN DOE" and "RICHARD ROE", members of RETAIL SHOE SALESMEN'S UNION, LOCAL 1115-F, R.C.I.P.A., pickets in front of plaintiff's store, true names of said persons being unknown,

Petitioners,

against

DINNY & ROBBINS, INC.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF NEW YORK

To the Honorable Harlan F. Stone, Chief Justice, and the Associate Justices of the Supreme Court of the United States:

The petition of Alfred S. Davis, as Treasurer of Retail Shoe Salesmen's Union, Local 1115-F, R.C.I.P.A., affiliated with the American Federation of Labor, and "John Doe" and "Richard Roe", members of Retail Shoe Salesmen's Union, Local 1115-F, R.C.I.P.A., pickets in front of plaintiff's store, true names of said persons being unknown, and the petition of each of them, respectfully shows to this Honorable Court:

I. Summary Statement of Issues Involved

A. The Facts Out of Which the Action Arose:

This case arises out of industrial dispute in the retail shoe industry in the City of New York, which originated prior to our entry into war.

The disputants involved are the petitioner union and the respondent herein which is engaged in selling shoes at retail.

The Trial Court found that the respondent was engaged in the retail shoe business operating three stores, one of which was located at 484 Seventh Avenue, in the City of New York; that the petitioner union is a trade union engaged in the organization and representation of all employees of the retail shoe business (53-54). The Trial Court also found that on December 2, 1941, the Union sent to the respondent a letter, by registered mail, enclosing a copy of a contract for the respondent's approval and requesting that the respondent advise the Union, within three days, whether it found the same acceptable. Respondent paid no attention to said letter or contract, and never answered the same or communicated with the Union in any manner (58-60). Approximately three weeks thereafter, the Union, having failed to hear from the respondent, caused one person to picket peacefully on January 12th, 1942, in front of one of the respondent's stores, located at 484 Seventh Avenue, City of New York. Said picket bore a placard which read as follows:

"Dinny & Robbins Shoes

are

Unfair to

Retail Shoe Salesmen's Union, Local 1115-F, R.C.I.P.A., American Federation of Labor." (54)

Said picketing continued thereafter and the picketing was not accompanied by any disturbance or violence (55-56); that the picketing was at all times peaceful and not disorderly. Said picket made no verbal statements and the only information conveyed to the public was the information carried on the placard (56). The Union at no time stated that any of the respondent's employees were on strike (57). At the time the picketing commenced the respondent was and had been under contractual relationship with a C.I.O. Union, known as Retail Shoe Salesmen's Union of New York, Local 1268, affiliated with Congress of Industrial Organization, and pursuant to such relationship had employed and was employing shoe salesmen who were members of said C.I.O. Union (57-58).

The Trial Court further found:

> "The defendant acted as it did for the purpose of benefiting its members and itself." (60)

Despite the fact that the picketing was unaccompanied by any verbal statements and the picket merely carried an "unfair" sign, which specifically advised the public that it was the opinion of the Union that the respondent was unfair to it, the Trial Court found

> "That the picketing was misleading to the general public and the customers of the plaintiff, in that they were led to believe that the employees of the plaintiff were on strike, and that the plaintiff was unfair to organized labor." (74)

In the conclusions of law, on the basis of the above, the Trial Court found that

> "Said picketing by the defendant was improper and unlawful, as libelous and misleading." (74)

A broad and absolute permanent injunction was granted, the contents of which are more fully discussed in a subsequent paragraph.

B. The Nature of the Action:

The present action was commenced by the respondent for the purpose of obtaining injunctive relief against the above mentioned activities of the petitioner union.

After finding the aforesaid facts, the Trial Court rendered judgment in favor of the respondent absolutely enjoining the picketing in question.

In the conclusions of law found by the Trial Court, the plaintiff-respondent was entitled to a permanent injunction, enjoining, restraining and prohibiting the Union

> "from in any manner interfering with the conduct of the business of any store operated by the plaintiff, directly or indirectly, by *placard* or *sign* or *by word of mouth,* or by force *or otherwise,*"

except picketing of a certain kind, herein discussed (78).

The judgment enjoined and restrained the Union

> (1) "from authorizing, permitting and joining in the use of * * * *persuasion* against the customers of the plaintiff herein or other persons having business relations with the plaintiff, and who may intend or desire to become or have such relations or who consider becoming such customers or having such relations, and from using any and all persons, means and methods of doing any of the aforesaid forbidden acts, either directly or indirectly". (84-85)
>
> (2) "* * * except that the defendant be permitted to have one man walk in front of plaintiff's store at 484 Seventh Avenue, in the Borough of

Manhattan, City and State of New York, carrying a sign to read as follows:

> 'THIS IS NO STRIKE. ALL EMPLOYEES OF DINNY & ROBBINS, INC. ARE REGULAR MEMBERS OF LOCAL 1268, C.I.O., NOT MEMBERS OF LOCAL 1115-F, R.C.I.P.A., A. F. of L.'

and that all letters on the sign be of uniform size and type; * * *" (86)

(3) "From trespassing or entering upon the premises." (83)

(4) "From threatening, intimidating and turning aside against their will those who could or would go to and from the place of business of the plaintiff herein." (83)

(5) "From intimidating or annoying the employees of the plaintiff." (83)

(6) "From otherwise resorting to force, threats or intimidation to compel said employees to leave the employ of said plaintiff, and otherwise disturbing the working organization of the plaintiff." (83)

(7) "From threatening, intimidating or otherwise compelling or seeking to compel, by force, threat or intimidation, the plaintiff herein to liquidate or close its place of business." (84)

(8) "From wilfully and maliciously committing any other acts for the purpose of preventing the plaintiff herein from engaging in business; * * * and from hampering, hindering or harassing in any way the free dispatch of the business of the plaintiff herein." (84)

Thus, it is apparent that the trial court granted a permanent injunction which was broad and absolute and

restrained the Union for all times from exercising peaceful "persuasion", against the customers of respondent or any other persons having business relationship or intending or desiring to have business relationships with the respondent. The injunction prohibited all "persuasion" of any kind, in any form; *whether it be by placard, picketing, word of mouth, advertisements, hand bills, etc.*, except that only one of the respondent's three stores could be picketed, and such picket must carry a sign which must read as follows:

> "THIS IS NO STRIKE. ALL EMPLOYEES OF DINNY & ROBBINS, INC. ARE REGULAR MEMBERS OF LOCAL 1268, C.I.O., NOT MEMBERS OF LOCAL 1115-F, R.C.I.P.A., A. F. OF L."

The effect of this very limited right to picket was to deprive the Union of all right to picket peacefully the stores of the appellant and to disseminate information or opinions to the public which it deems relevant to the issues involved in the dispute. The injunction permitted no other language to be used other than that directed by the trial court. The injunction prohibited all peaceful persuasion, the use of any verbiage or statements except that the picket could advertise, for the benefit of a rival Union, the employer's side of the controversy, and the Union was prohibited from advising the public of its version thereof.

The petitioner appealed to the Appellate Division of the Supreme Court, State of New York, First Department. The respondent also appealed from that portion of the judgment which permitted picketing only with a sign containing the precise censored language prescribed by the Trial Court (7-17). The Appellate Division, by a divided Court of three to two, reversed the judgment of

the Trial Court and the complaint was dismissed upon the ground that the complaint alleged and the evidence established the existence of a labor dispute within the meaning of Section 876-A of the Civil Practice Act of the State of New York (254).

The findings of the Trial Court were adopted by the Appellate Division, except that the finding by the Trial Court that the picketing was misleading or libelous and unlawful, was changed by the Appellate Division to read that the person who picketed did not utter or make any libelous or slanderous statements (228). The Trial Court's conclusions of law were disregarded by the Appellate Division and new conclusions of law were made to the effect that the action involved a labor dispute within the meaning of Section 876-a of the Civil Practice Act (246-247).

The respondent appealed to the Court of Appeals which reversed the determination by the Appellate Division and reinstated the judgment of the Trial Court. Three judges dissented, among them was Chief Judge Lehman. The judgment of the Court of Appeals was entered on March 29th, 1943. The majority opinion, in addition to holding that no labor dispute existed within the meaning of Section 876-a of the Civil Practice Act, held that the injunction did not restrain picketing provided there was a modification of the sign which the picket carried, stating that picketing with a sign containing the language prescribed by the Trial Court, was not prohibited by the judgment. It denied to the petitioner the right to picket with an "unfair" sign, unless the prescribed language appeared on the placard. Judge Rippey, writing for the majority, said:

> "The judgment restraining the use of such a sign was in all respects correct (*Angelos* v. *Mesevich*,

> 289 N. Y. 498). The statement on the sign that the plaintiff was unfair to Retail Shoe Salesmen's Union, Local 1115-F, R.C.I.P.A., American Federation of Labor, was false since there was no obligation on the part of plaintiff to enter into a contract with the defendant, as hereafter pointed out."

The judgment as now interpreted by the Court of Appeals still prohibits all dissemination of facts or opinions concerning the dispute by placard, sign, word of mouth or otherwise

> "except that the defendant be permitted to have one man walk in front of plaintiff's store, at 484 Seventh Avenue, in the Borough of Manhattan, City and State of New York, carrying a sign to read as follows:
>
> 'THIS IS NO STRIKE. ALL EMPLOYEES OF DINNY & ROBBINS, INC. ARE REGULAR MEMBERS OF LOCAL 1268, C.I.O., NOT MEMBERS OF LOCAL 1115-F, R.C.I.P.A., A. F. OF L.'"

The judgment prevents the exercise of free speech in any manner and in any place, except picketing as prescribed in front of one store located at 484 Seventh Avenue, Borough of Manhattan, City and State of New York. The Court of Appeals of New York has, for the first time in its history, inaugurated judicial censorship of opinions where its views and notions of right or wrong differed from that of the petitioner. This has been done even though the dissemination of opinions was at all times peaceful and orderly and was not accompanied by any false statements of fact.

The injunction of peaceful activities is based upon the erroneous proposition that peaceful picketing *per se* is

not permissible where no contractual relationship existed between the petitioner and the respondent. Under such circumstances, the majority of the Court of Appeals deems it wrong and unlawful for a group of employees to disseminate its opinion regarding the respondent unless its views on the specific issues or problems involved are first submitted for judicial censorship to the state judiciary.

The dissenting opinion by Judge Desmond pointed out that the majority was disregarding precedent which had already been established by the New York judiciary for many years. He said:

> "Even if we could write section 876-a out of this case, we would still have to deal with our own decisions. Early and late, those decisions positively deny the right to issue an injunction against peaceful picketing by an ambitious union, though the employer has a subsisting contract with another union. (*Interborough R. T. Co.* v. *Lavin*, 247 N. Y. 65; *J. H. & S. Theatres, Inc.* v. *Fay*, 260 N. Y. 315; *Stillwell Theatre, Inc.* v. *Kaplan*, 259 N. Y. 405.) In the *Stillwell* case, which cannot be distinguished from the present case, Chief Judge Pound wrote: 'We would be departing from established precedents if we upheld this injunction.' (p. 412.) The established precedents of that day have since been reinforced by an express statutory prohibition."

He also pointed out that

> "the strength or weakness of a disputant's case * * * his wisdom or folly"

did not depend

> "on the views of any court as to the rights or wrongs of his position."

In pointing out that the majority's decision violated the petitioner's right of free speech, he said:

> "when the court by refusing to allow any wording but its own, denied to the union its right to assert that plaintiff was unfair to it, there was the plainest violation of rules laid down by this court (*Nann* v. *Raimist*, 255 N. Y. 307, 319) and of defendant's right of free speech under the Federal Constitution (*Bakery & Pastry Drivers & Helpers Local 802* v. *Wohl*, 315 U. S. 769, 774, and cases therein cited)."

Chief Judge Lehman, writing a separate dissenting opinion, recognized the act of the majority as an invasion of the constitutional guarantee of free speech. He said:

> "I concur in the opinion of DESMOND, J. The Constitution of the State of New York, and the Constitution of the United States guarantee freedom of speech and those guarantees are violated by censorship though exercised by a court with conscientious intent that no representations which in the opinion of the court distort the truth, and no arguments which, in the opinion of the court, are specious, should induce the public to appraise the merits of a dispute in manner which ignores the economic axioms of the orthodox and the social philosophy of the respectable."

II. Jurisdiction of This Court

The Judgment Here in Question Is a Final Judgment Rendered After Trial of the Action, Absolutely and Permanently Enjoining the Peaceful and Orderly Labor Activities of the Petitioner Union.

The judgment has been affirmed by the Court of Appeals of the State of New York, the highest Court of that State in which a decision could be had.

The petitioner union and the individual petitioners urged upon the New York Courts their contention that the said final judgment violated their privileges and immunities under the Federal Constitution, in that they were restrained from the exercise of their rights of freedom of speech and assembly. This constitutional question was urged upon the Trial Court (94), as well as the Appellate Division. The Court of Appeals, in its opinion, recognized that this was the main and substantial issue presented upon the appeal. The amended remittitur, dated April 15, 1943, states:

> "A question under the Constitution of the United States was presented and necessarily passed upon. The respondent contended that the judgment of the Trial Court, which granted the injunctive relief against the respondent, violated the constitutional rights of the respondent under the Fourteenth Amendment of the Constitution of the United States. This Court held that said judgment did not violate the constitutional rights of the respondent under the Fourteenth Amendment of the Constitution of the United States." (p. 97)

A substantial federal question was thus presented and this Court clearly has jurisdiction to issue a writ of certiorari to the Court of Appeals of the State of New York, pursuant to Section 237-b of the Judicial Code of the United States (28 U. S. C.; Section 344-b).

III. Questions Presented

Stated in Concise Form, the Questions Here Presented Are as Follows:

1. May a State Court enjoin peaceful and orderly picketing by a legitimate labor organization, merely be-

cause that picketing is not directed against an employer of members of the union?

2. Assuming that the previous question must be answered in the negative, should an exception to the rule be established, where a State Court censors a placard which expresses an opinion and the Court prescribes the specific language to be carried on a placard in conformance with its particular notion of right or wrong regarding the merits or weaknesses of the disputants' case.

In the discussion of the reasons for the allowance of the writ sought by the petitioner, immediately following, we shall consider in detail the foregoing questions.

IV. Reasons for Allowance of Writ

The absolute injunction issued by the New York State Supreme Court against the petitioners violates the guarantee of freedom of speech and assembly provided in the Federal Constitution.

> Constitution of the United States, Amendment XIV, Section 1.

The dissemination of information or opinion concerning the facts of an industrial dispute has definitely been held to be within the area of free discussion which is guaranteed by the Constitution, whether the mode of dissemination employed involves the use of the spoken word or the carrying of banners or placards in the course of activities known as picketing. This Court has reiterated this rule many times, regardless of whether the union picketing, picketed an employer of nonunion labor or an employer of members of another union.

> *United States* v. *Hutcheson,* 312 U. S. 219, 61 S. Ct. 463;

United States v. *Building and Construction Trades Council of New Orleans, Louisiana,* 61 S. Ct. 839;
United States v. *The United Brotherhood of Carpenters and Joiners of America,* 61 S. Ct. 839;
Journeymen Tailors Union Local #195 v. *Miller's, Inc.,* 61 S. Ct. 732;
Senn v. *Tile Layers Union,* 301 U. S. 468;
Thornhill v. *Alabama,* 310 U. S. 88;
Carlson v. *California,* 310 U. S. 106;
A. F. of L. v. *Swing,* 312 U. S. 321;
Bakery and Pastry Drivers Union v. *Wohl,* 315 U. S. 769;
Schneider v. *State,* 308 U. S. 147.

Whether or not the present controversy, as a matter of New York State law, ought properly to be designated as a statutory labor dispute within the meaning of Section 876-a of the Civil Practice Act of New York is not material here, and we are not concerned with the decision reached by the State Courts in that respect, for the decision of that question does not affect the existence of the federal question here at issue.

It has been held by this Court that one need not be involved in a "labor dispute" as defined by State Law to have a right under the Fourteenth Amendment to express a grievance or to disseminate information or opinions in a labor matter.

Bakery and Pastry Drivers Union v. *Wohl,* 315 U. S. 769.

The picketing herein questioned consisted of nothing more than the dissemination of an opinion which the

Union deemed relevant to its own interests and such expression of opinion was entitled to the protection of the constitutional guarantee. This Court has recently stated in unequivocal language that the mere absence of an employment relation between the parties furnishes no authority for the issuance of an injunction by a state court forbidding peaceful persuasion and peaceful picketing.

A. F. of L. v. *Swing,* 312 U. S. 321.

This Court has also frowned upon the censorship of comments because the pervasive threat inherent in the existence of such a right of censorship constitutes grave danger to freedom of discussion.

Thornhill v. *Alabama,* 310 U. S. 88.

In a very recent decision, this Court denied the right of administrative censorship where the right of free speech was involved.

Largent v. *State of Texas* (559—October Term, 1942).

The injunction granted by the Supreme Court of the State of New York, in the case at bar was in direct violation of the principles clearly stated by this Court in the above mentioned cases.

National Importance of the Issues in Question

For the past forty years, the State of New York has permitted picketing by a Union whose activities were directed against an employer employing members of another union. Until very recently, an unbroken line of

decisions sustained this right. Several years ago, when a case identical to the case at bar was presented at the New York Court of Appeals, it reversed an injunction order which directed the insertion of additional language in a placard similar to the case at bar (see *Edjomac* v. *Empire,* 273 N. Y. 647). The right to exercise peaceful persuasion was unhampered and any attempt at censorship of placards which truthfully stated facts or expressed an opinion was never permitted.

The interests of industry and of labor cut across state lines and the decisions in one state affect labor relations in another. In fact, most states have aped and followed New York State in its previous liberal and advanced thinking regarding the fundamental rights of working men. The prior decisions of the New York State Court of Appeals which permitted peaceful picketing against an employer of members of another union have been followed by almost all other states in the Union. Now, for the first time, the New York State Court of Appeals has attempted to set itself up as censor of opinions which do not coincide with its particular conception of right or wrong or of wisdom. For the first time in the history of labor relations in the State of New York, the Court of Appeals has enunciated a new principle which, if permitted to stand, must necessarily endanger all right of peaceful discussion by members of labor unions. If the right to censor the placard in the case at bar is sustained, this right once established may vary in degree in each case which may hereafter come before the state judiciary, to the point where a person's privilege to write or speak upon any labor issue will be permissible only where the righteousness of his opinion is first approved by the State Court. Even then, the right to speak will be permitted

only if lengthy and burdensome additional verbiage prescribed by the court is added. Thus, the right to speak can be nullified by weighing down any simple statement with unlimited verbiage, so as to make the exercise of free speech difficult, costly and burdensome. Under such circumstances it would be more difficult to make effective use of free discussion than paying a tax for the right to speak. If this right of censorship exists on the part of the state judiciary, then the same right may be exercised by the State Legislature, as well as the governing bodies of municipalities and towns. Thus, the cherished right granted to us by the founders of this nation can be taken away by any majority in power to the point where a minority can be utterly and completely deprived of the right of free speech or assembly. No longer will it be possible for fair rules of conflict to exist between the strong and the weak and those in power will have the right to prohibit the dissemination of information or opinions which they deem irrelevant or unwise to the issues involved. The cherished right of freedom of speech can not be threatened by any graver and more serious evil than that of permitting judicial censorship under the facts of this case. To permit the judgment to stand in its present form in the State of New York, will result in an importation into all other states of a doctrine which heretofore has never been permitted by this Court.

WHEREFORE your petitioners and each of them respectfully pray that a writ of certiorari be issued out of and under the seal of this Honorable Court, directed to the Court of Appeals of the State of New York, demanding that Court to certify and send to this Court for review and determination on a day certain to be therein named

a full and complete transcript of the record and all proceedings in the case entitled on its docket

DINNY & ROBBINS, INC.

against

ALFRED S. DAVIS, as Treasurer of Retail Shoe Salesmen's Union, Local 1115-F, R.C.I.P.A., affiliated with the American Federation of Labor, *et al.,*

and that the order and judgment of said Court of Appeals may be reversed, and that your petitioners may have such other and further relief as may be just and proper.

ALFRED S. DAVIS, as Treasurer of Retail Shoe Salesmen's Union, Local 1115-F, R.C.I.P.A., affiliated with the American Federation of Labor, "JOHN DOE" and "RICHARD ROE", members of Retail Shoe Salesmen's Union, Local 1115-F, etc.,

By SIMON J. LIEBOWITZ,
Attorney for Petitioners.